

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-92-RJC
(3:12-cr-172-RJC-1)

CLIFTON NELSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on consideration of Petitioner's pro se Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255, (Doc. No. 1), and the § 2255 Motion to Vacate filed through counsel. (Doc. No. 2). See Rule 4(b) of the Rules Governing Section 2255 Proceedings.

On February 27, 2015, Petitioner filed a pro se § 2255 motion and raised two claims: (1) Petitioner's sentence was greater than necessary to accomplish the sentencing goals under 18 U.S.C. § 3553(a), and (2) his trial counsel provided ineffective assistance of counsel in connection with his guilty plea and his sentencing. (Doc. No. 1 at 4-5). On February 28, 2015, one of Petitioner's trial counsel, Chad Diamond, filed a § 2255 motion and alternative claims for relief from Petitioner's sentence. (Doc. No. 2).

Before this matter may continue on initial review, the Court finds that Mr. Diamond shall certify to this Court that he is authorized to represent Petitioner in this proceeding. Petitioner is advised that the Court will not consider the merits of his pro se § 2255 motion so long as he is represented by counsel in this case. The Court will also require Petitioner to notify this Court if


he is represented by Mr. Diamond in this proceeding. If Petitioner seeks to have Mr. Diamond represent him then he must file a notice of voluntary dismissal of his pro se § 2255 motion or he may elect to proceed pro se and his counseled § 2255 motion will be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that Mr. Diamond shall file a certification with the Clerk within 14-days from entry of this Order that he is authorized to represent Petitioner in this § 2255 collateral proceeding.

IT IS FURTHER ORDERED that Petitioner shall notify this Court within 14-days from entry of this Order whether Mr. Diamond represents him in this collateral proceedings. If Mr. Diamond is authorized to represent Petitioner then Petitioner must file a notice of voluntary dismissal of his § 2255 motion, or he may elect to proceed pro se in this matter and his counseled § 2255 motion will be dismissed without prejudice.

IT IS SO ORDERED.

Signed: June 3, 2015


Robert J. Conrad, Jr.
United States District Judge

